



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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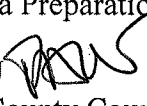
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August 22, 2012

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Sylvia Wilson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 456 759

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Sylvia Wilson v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 456 759, in the amount of \$375,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Probation Department's budget.

This lawsuit alleges that a participant of the Probation Adult Alternative Work Service Program was sexually harassed and assaulted by a Probation Department Crew Instructor.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sylvia Wilson v. County of Los Angeles, et al.
CASE NUMBER	BC 456759
COURT	Los Angeles Superior Court
DATE FILED	March 7, 2011
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 375,000
ATTORNEY FOR PLAINTIFF	Jeffrey A. Lipow, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff Sylvia Wilson alleges sexual harassment and assault by a Probation Department Crew Instructor.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 97,864
PAID COSTS, TO DATE	\$ 25,051

Case Name: WILSON V. COLA



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	In 2010
Briefly provide a description of the incident/event:	Plaintiff 30 year-old Hispanic Female that was a participant in the Probation Adult Alternative Work Service (PAAWS) Program in May 2010, based on pleading nolo contendere to a misdemeanor associated with removing fixtures or parts of realty. The plaintiff alleges that she was subjected to sexual harassment by a Department Crew Instructor in late May and early June while cleaning an office and performing other PAAWS assignments. Plaintiff further alleges that the Crew Instructor made sexual comments to her, touched her shoulders, reached for her breast, asked to fool around, asked her if she performed certain sexual acts, pushed her to her knees and released bodily fluids on her. In November 2010, plaintiff filed a Government Tort Claim alleging sexual assault and battery. In March 2011, plaintiff filed a lawsuit alleging sexual battery, intentional infliction of emotional distress and violation of civil rights.

1. Briefly describe the root cause(s) of the claim/lawsuit:

Root Cause Analysis:

The initial incident stems from plaintiff being taken to an area away from other participants. A root cause factor analysis was conducted including, but not limited to:

- Exposure area relates to plaintiff being escorted alone by a male staff person crew instructor away from other participants to clean an office space.
- Compounding factors include:
 - Staff person history of being accused of similar or lesser degree type actions.
 - Plaintiff belief that staff member was a peace officer.
 - Witness recollection or lack thereof of certain actions or activities.

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- Peace Officer/Staff Person deviation from Policy related to Employee Conduct

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root cause factors.

2. Briefly describe recommended corrective actions:

County of Los Angeles
Summary Corrective Action Plan

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

ROOT-CAUSE Recommended Corrective Action:

Task #1 Name: Appropriate Disciplinary Action for Staff

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Dewitt Roberts

Task Description:

1. The Department will take appropriate disciplinary action against the employee with clear documented policy violations associated with this matter. Action taken will be consistent with current Performance Management/Discipline Guidelines, which include, but is not limited to:
 - a. Disciplinary Action-Notice of Discharge**This task will be completed by the end of March 2012 and may be subject to the Civil Service Commission Appeal Process.**

Task #2 Name: Re-configuration of Reporting Chain of Command for PAAWS/JAAWS Operation

System Issue: ☒ Process/Procedure

Responsible Person: Chief Jerry Powers or designee

Task Description:

1. Probation Department will re-configure the reporting chain of command for PAAWS/JAAWS to ensure that staff handling crews report to bureaus that customarily supervise probationers.
This task is in progress and is anticipated to be completed by the end of January 2013.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☒ Potentially has County-wide Implications.
- ☒ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator)	
Danny Aceves	
Signature:	Date:
D. Aceves	7/13/12

Name: (Department Head)	
JERRY POWERS CHIEF	
Signature:	Date:
[Signature]	7/14/12

Chief Executive Office Risk Management

Name:	
LEO COSTANTINO	
Signature:	Date:
[Signature]	7/12/12